



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 27] नई दिल्ली, शनिवार, सितम्बर 30, 1978 (आश्विन 8, 1900)
No. 27] NEW DELHI, SATURDAY, SEPTEMBER 30, 1978 (ASVINA 8, 1900)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

भाग III—खण्ड 3

PART III—SECTION 3

लघु प्रशासनों से सम्बन्धित अधिसूचनाएं

Notifications relating to Minor Administrations

ADMINISTRATION OF DADRA AND NAGAR HAVELI

Order No. ADM/SUP

Silvassa, the 8th September 1978

Read :—Order No. ADM/SUP dated 23rd April, 1973

ORDER

In exercise of the power conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with order of the Government of India, Ministry of Agriculture (Deptt. of Food) No. GSR-316(E) dated the 20th June, 1972, No. GSR-452(E) dated the 25th October, 1972 and No. GSR-168(E) dated 13th March, 1973 and with the prior concurrence of the Central Government, the Administrator, Dadra and Nagar Haveli, do hereby amend, the Dadra and Nagar Haveli Wheat Dealers, Licensing Order, 1973, namely :—

(1) *Short title.*—This order may be called the Dadra and Nagar Haveli Wheat Dealers' Licensing (Amendment) Order, 1978.

(2) It shall come into force from the date of its publication in the official Gazette.

(3) In the Dadra and Nagar Haveli Wheat Dealers' Licensing Order, 1973 (hereinafter referred to as the principal orders) in explanation below sub-clause (c) of clause 2 for the words "Three quintals" the words "Ten quintals" shall be substituted.

(4) In the sub-clause (1)(a) of clause 4 of the principal orders, for the words "Ten quintals" the words "one hundred quintals" shall be substituted.

(5) In sub-clause (1)(b) of the clause 4 of the principal orders, for the words "Fifty quintals" the words "Two hundred quintals" shall be substituted.

By order of the Administrator,
Sd/-

Secretary to the Administrator,
Dadra and Nagar Haveli, Silvassa.

UNION TERRITORY OF DADRA AND NAGAR HAVELI ADMINISTRATION OF

DADRA AND NAGAR HAVELI

Silvassa, the 12th September 1978

No. ADM/LAW/217(23)/78.—In exercise of the powers conferred by sub-section (3) of section 28 read with clause (m) of section (2) of section 64 of the water (Prevention and Control of Pollution) Act, 1974, the Administrator of the Union Territory of Dadra and Nagar Haveli hereby makes the following rules namely :

CHAPTER I

PRELIMINARY

1. Short title and commencement

(a) These Rules may be called Dadra and Nagar Haveli Water (Prevention and Control of Pollution) Appeal Rules, 1978.

- (b) They shall come into force on the date of their publication in the official gazette.

2. Definitions

- (a) "Act" means the Water (Prevention and Control of Pollution) Act 1974 (6 of 1974).
- (b) "Administrator" means the Administrator of the Union Territory of Dadra and Nagar Haveli appointed under Article 239 of the constitution.
- (c) "Appellant" means any person aggrieved by and appealing against an order made by the Central Board under section 25, section 26 or section 27 of the Act.
- (d) "Appellate Authority" means the Appellate Authority constituted by the Administrator under sub-section (1) of Section 28 of the Act.
- (e) "Central Board" means the Central Board for Prevention and Control of Water Pollution set up by the Central Government under the Act.
- (f) "Member-Secretary" means the Member-Secretary of the Central Board.
- (g) "Section" and "Sub-Section" means the Section and sub-section of the Act.
- (h) Words and expressions used herein and not defined in these Rules but defined in the Water (Prevention and Control of Pollution) Act, 1974, shall have the same meaning as assigned to them in the Act.

CHAPTER II

MEMORANDUM OF APPEAL

3. (1) Every appeal against an order passed by the Central Board under Section 25, Section 26 or Section 27 of the Act shall be filed by the aggrieved party :

- (a) in Form 'A' annexed hereto, if it relates to matters covered by sub-section 5(a) of section 28 and
- (b) in Form 'B' if it relates to matters not covered by sub-section 5(a) of section 28.

(2) Every aggrieved person preferring an appeal shall do so separately in his own name and no joint appeal made on behalf of more than one person shall be entertained by the appellate authority.

4. (1) Every appeal shall—

- (i) be in writing;
- (ii) specify the name and address of the appellant and the date of the order appealed against;
- (iii) specify the date on which the order appealed against was communicated to the appellant;
- (iv) contain a clear statement of facts of the case and grounds in support of the appeal;
- (v) state precisely the relief prayed for; and
- (vi) be signed and verified by the appellant or an agent duly authorised by the appellant in writing in this behalf.

(2) Every appeal shall be accompanied by—

- (a) an authenticated copy of the order against which appeal is made;
- (b) a copy of the application made under section 25 or under section 26, as the case may be;
- (c) any document relative to the appeal; and
- (d) a satisfactory proof of the payment of the fee prescribed under sub-Rule (3) hereunder.

(3) A fee of Rs. 100/- only shall be deposited by every appellant in the office of the appellate authority and an authenticated copy of the receipt obtained

therefore shall be annexed to every appeal. No appeal which is not accompanied by the aforesaid copy of the receipt shall be entertained by the appellate authority.

(4) Every Memorandum of Appeal shall be submitted in quadruplicate and shall either be presented to the Appellate Authority by the appellant or his authorised agent in person or sent to such authority by registered post. When the Memorandum of Appeal is presented by an agent duly authorised by the appellant, it shall be accompanied by a letter of authority written on a stamped paper of the value as required by law, appointing him as such agent.

(5) On receipt of the Memorandum of Appeal, the appellate authority shall endorse the date of its presentation or receipt by post and the name of the appellant or his duly authorised agent presenting it, as the case may be.

5. Procedure to be followed by the Appellate Authority in dealing with and disposal of the Appeal

(1) The appellate Authority shall, as soon as may be, after the Memorandum of Appeal is filed before it, fix a date for hearing of the appeal and give intimation of the same to the appellant and the Member-Secretary in Form 'C' while giving such intimation to the Member-Secretary a copy of the Memorandum of Appeal together with its enclosures shall also be sent to the Member-Secretary, and he shall be called upon to send to the Appellate Authority all the relevant records connected with the matter relating to the appeal.

(2) Where the material on record is insufficient to enable the Appellate Authority to come to a definite decision, it may take additional evidence and call for such further material from the appellant or the Member-Secretary as it deems fit. Such material shall form part of the record, but not before the party other than that from whom such record has been received has been given an opportunity to pursue such record and defend itself against anything contained therein which is detrimental to the interests of that party.

(3) Where, on the date fixed for hearing or any date to which hearing of the appeal may be adjourned, the appellant or his duly authorised agent does not appear when the appeal is called for hearing, the appeal may be dismissed or may be decided ex-parte.

(4) Where an appeal is dismissed under sub-rule (3) the appellant may, within 30 days from the dismissal of the appeal, apply to the appellate authority for the restoration of the appeal and if it is shown to the satisfaction of the appellate authority that the appellant had not received intimation of the date of hearing of the appeal or was prevented by any cause, sufficient in the opinion of the appellate authority, from appearing when the appeal was called for hearing, the appellate authority may restore the appeal on such terms as it thinks fit.

(5) *Order to be writing.*—The order passed by the appellate authority on the appeal shall be in writing and shall state clearly the points before it for determination, the decision thereon, and the reason for the decision.

6. *Supply of copy of Order to the appellant and the Board.*—A copy of the order passed in appeal shall be supplied by the appellate authority free of cost to the appellant and a copy thereof shall also be sent to the Member-Secretary.

FORM 'A'

Form of Appeal under Section 28 of the Water (Prevention and Control of Pollution) Act, 1974 (No. 6 of 1974)
[See sub-rule 1(a) of rule 3]

Before _____

(here mention the name and designation of the authority)

Appellate Authority constituted under Section 28 of the Water (Prevention and Control of Pollution) Act 1974 (6 of 1974).

Memorandum of Appeal of Shri—
(appellant),

Vs.

The Central Board for Prevention and Control of Water Pollution (Respondent).

The appeal of Shri _____
Resident of _____
District _____ against
the order _____ dated _____ passed
by the Central Board for Prevention and Control of Water
Pollution under Section 25/26 of the Water (Prevention
and Control of Pollution) Act 1974 showeth as follows :—

- (1) Under Section 25/26 of the Water (Prevention and Control of Pollution) Act 1974 (6 of 1974) the appellant has been granted consent subject to the condition mentioned in the consent order in respect of the _____ company/corporation/municipality/notified area committee etc. noted below :—

- (a) name of plant/company/corporation/municipality notified area committee;
(b) place;
(c) Ward No.
(d) Name of the street; and
(e) District

A copy of the consent order in question is attached hereto.

- (2) The facts of the case are as under (here briefly mention the facts of the case).
(3) The grounds on which the appellant relies for the purpose of this appeal are as below :—

(here mention the grounds on which appeal is made).

1.
2.
3.

- (4) In the light of what is stated above, the appellant respectfully prays that

- (a) the unreasonable condition(s) _____ imposes should be treated as annulled or it/they should be substituted for such other condition(s) as appears to be reasonable.

OR

- (b) the unreasonable condition(s) _____ should be varied in the following manner (here mention the manner in which the condition(s) objected should be revised).

An amount of Rs. 100/- _____ as fee for this appeal has been paid vide receipt No. _____ dated _____ an authenticated copy of which is attached in proof of payment.

Signature of the Appellant
(Name in Block letters)
Occupation _____
Address _____

Date :

VERIFICATION

I _____ (appellants name) in the above Memorandum of appeal/or duly authorised agent do/does hereby declare that what is stated therein true to the best

of my knowledge and belief and nothing has been hidden thereunder.

Signature _____
Name _____
(in block letters)
Occupation _____
Address _____

Date :

*Strike out what is not applicable.

FORM 'B'

Form of Memorandum of appeal under Section 27 of the Water (prevention and Control of Pollution) Act, 1974 (6 of 1974)

[See sub-rule 1(b) of rule 3]

Before _____
(here mention the name and designation of the authority)

Appellate Authority constituted under Section 28 of the Water (Prevention and Control of Pollution) Act 1974 (6 of 1974).

Memorandum of Appeal of Shri—
(appellant).

Vs.

The Central Board for Prevention and Control of Water Pollution—Respondent—

The Appeal of Shri _____
Resident of _____
District _____ against the order _____ dated _____
passed by the Central Board for Prevention and Control of Water Pollution under Section 27 of the Water (prevention and Control of Pollution) Act, 1974 showeth as follows :

*The appellant has been refused consent

OR

*The consent has been withdrawn by the Board in respect of the plant/company/corporation/municipality/Notified area committee noted below :

- (a) name of the plant/company/corporation/municipality/notified area committee;

- (b) place;
(c) Ward No.;
(d) Name of the street;
(e) District;

A copy of the order in question is attached hereto.

The appellant being aggrieved by the aforesaid order respectfully prays that the said order set aside on, among others the following

ground (s).

Signature _____
Name in Block letters _____
Occupation _____
Address _____

Dated :

VERIFICATION

I _____ (appellants name) in the above Memorandum of Appeal/or duly authorised agent do/does hereby declare that what is stated therein is true to

the best of my knowledge and belief and nothing has been hidden thereunder.

Signature _____
Name in Block letters _____
Occupation _____
Address _____

Dated :

*Strike out what is not applicable.

FORM 'C'

Form of Notice

[See sub-rule (1) of rule 5]

Before _____
(here mention the name and designation of the authority)

Appellate Authority as constituted under Section 28 (1) of the Water (Prevention and Control of Pollution) Act, 1974 (No. 6 of 1974).

In the matter of Appeal No. _____ 197
filed under Section 28 of the Water (Prevention and Control of Pollution) Act 1974 (6 of 1974) by ~~Shri~~ _____

(here mention the name and designation of the authority)

Vi.

The Central Board for Prevention and Control of Water Pollution, New Delhi—Respondent.

WHEREAS Shri _____

(here mention name and address of the appellant)

has filed before this Authority a Memorandum of Appeal against the order _____
dated _____ passed by the Central Board for Prevention and Control of Water Pollution under Section* 25/26/27 of the Act.

*Delete whatever is not applicable.

AND WHEREAS under sub-section (4) of Section 28 of the Act, this Authority is required to give to the parties an opportunity of being heard;

NOW, THEREFORE, please take notice that this Authority has fixed _____ 197
as the date of hearing of the aforesaid appeal. The hearing shall take place at _____ AM/PM
on the date in the office of the _____. You are hereby called upon to appear before the Authority at the appointed time and date and place, either in person or through a duly authorised agent, and explain your case. Please take notice that failure on your part to appear on the day of hearing, either in person or through a duly authorised agent, without showing sufficient cause to the satisfaction of this Authority will make your appeal liable to be dismissed or decided *ex-parte*.

Given under the hand and seal of the Appellate Authority at _____

This _____ day _____ 197

By order of the Administrator,

JANAK JUNEJA,
Secretary to the Administrator,
Dadra and Nagar Haveli,
Silvassa.

UNION TERRITORY OF DADRA AND NAGAR HAVELI

Administrative of Dadra and Nagar Haveli

Silvassa, the 12th September 1978

No. ADM/LAW/217(24)/78.—In exercise of the powers

NOTIFICATION

conferred by sub-section (1) read with sub-section (2) of section 28 of the water (Prevention and Control of Pollution) Act, 1974 (No. 6 of 1974), the Administrator, Dadra and Nagar Haveli hereby constitutes the appellate authority consisting of the following persons for the purposes of the said Act.

1. The Collector, Dadra and Nagar Haveli, Silvassa.
2. The District and Sessions Judge, Dadra and Nagar Haveli, Silvassa.
3. The Assistant Town Planner, Dadra and Nagar Haveli, Silvassa.

By order of the Administrator,

JANAK JUNEJA,
Secretary to the Administrator,
Dadra and Nagar Haveli,
Silvassa.

UNION TERRITORY OF DADRA AND NAGAR HAVELI

Administration of Dadra and Nagar Haveli

Silvassa, the 13th September 1978

NOTIFICATION

No. ADM/LAW/242(III)(25)/78.—In exercise of the powers conferred by sub-section (2) of Section 1 of the Children (Amendment) Act, 1978 (No. 15 of 1978) the Administrator, Dadra and Nagar Haveli hereby appoints 2nd day of October, 1978 as the date on which the above said act shall come into force in the Union Territory of Dadra and Nagar Haveli.

By order of the Administrator,

JANAK JUNEJA,
Secretary to the Administrator,
Dadra and Nagar Haveli,
Silvassa.